

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	
	:	
v.	:	CRIMINAL NO. 3:23-CR-149
	:	
DAMIEN BOLAND,	:	
ALFRED ATSUS, AND	:	
JOSEPH ATSUS.	:	JUDGE MANNION
	:	
Defendants.	:	ELECTRONICALLY FILED

**DEFENDANTS, DAMIEN BOLAND, ALFRED ATSUS, AND JOSEPH
ATSUS' JOINT MOTION TO DISMISS COUNT 1 OF THE INDICTMENT
FOR FAILURE TO STATE AN OFFENSE**

Defendants Joseph Atsus, Alfred Atsus, and Damien Boland, by and through their undersigned counsel, hereby move to dismiss the indictment pursuant to Federal Rule of Criminal Procedure 12(b)(3)(B)(v). In support of their Motion, the Defendants rely on their supporting memorandum of law being filed simultaneously herewith.

Respectfully submitted,

/s/Jason J. Mattioli

Jason J. Mattioli

Michael J. Ossont

Attorneys for Defendant

Alfred Atsus

/s/Matthew L. Clemente

Matthew L. Clemente

Attorney for Defendant

Damien Boland

/s/ Patrick A. Casey

Patrick A. Casey

Attorney for Defendant

Joseph Atsus

CERTIFICATE OF NON-CONCURRENCE

I, Patrick A. Casey, certify that I sought the concurrence of Assistant United States Attorney James Buchanan in this Motion. Mr. Buchanan does not concur in this Motion. Counsel sought the concurrence of co-counsel, Ernie D. Preate, Esq, on July 12, 2024 and will supplement the Court with his response.

/s/ Patrick A. Casey
Patrick A. Casey

Date: July 12, 2024

CERTIFICATE OF SERVICE

I, Patrick A. Casey, hereby certify that a true and correct copy of the foregoing Joint Motion to Dismiss Count 1 of the Indictment for Failure to State an Offense was served upon the counsel of record via the Court's ECF system on this 12th day of July, 2024:

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/s/ Patrick A. Casey
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